IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 21346 of 2003

Between:

1. Dalli Narayana, S/o. late Kistamma, aged 63 years.
2. Dalli Raja Rao, S/o. late Kistamma, aged 60 years.
3. Dalli Vasanth, S/o. late Kistamma, aged 58 years.
4. Dalli Seethaiah, S/o. late Kistamma, aged 55 years.

(All are r/o.Borigipeta village, Seethapuram Post,

Tekkali Mandal, Srikakulam District).

.... PETITIONER(S)

AND

1. The District Collector, Srikakulam District, Srikakulam.

2. The Revenue Divisional Officer, Tekkali, Srikakulam Dist.

3. The Mandal Revenue Officer, Tekkali Mandal, Srikakulam Dist.

...RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or orders more particularly one in nature of writ of mandamus, declaring the action of the respondents in trying to dispossess and evict the petitioners of their lands in an extent of Ac.0.42 cents, Ac.0.43 cents, Ac.0.43 cents respectively (i.e., total extent of Ac.1.70 cents) in Survey No.112/10 of Megavaram village of Tekkali Mandal, Srikakulam district as illegal, arbitrary contrary to law and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to forbear from taking any coercive steps against the petitioners for eviction and not to dispossess the petitioners of their lands

and measuring Ac.1.70 cents in Survey No.112/10 of Megavaram village, Tekkali Mandal, Srikakulam District.

Counsel for the Petitioner:MR.A.RAMA RAO, Advocate.

Counsel for the Respondent : GP FOR REVENUE FOR R1 TO 3

The Court made the following :

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O R D E R :

Though interlocutory application is listed, with the consent of the learned counsel, the writ petition itself is being disposed of.

The petitioners, who are four in number, claim that a small extent of lands in Survey No.112/10 of Megavaram village of Tekkali Mandal, Srikakulam District, has been under their cultivation in respect of which they also obtained Pattadar Pass Books. It is now alleged that the third respondent herein orally directed the petitioners to vacate the land on the ground that the same is allegedly allotted for housing colony. Apprehending coercive dispossession, the present writ petition is filed.

The respondents have not filed any counter affidavit. Be that as it is, the petitioners have filed Xerox copies of the Pattadar Pass Books, which would prima-facie disclose that they are in occupation of the land in question. Therefore, without due process of law they cannot be dispossessed nor evicted from the said land. Further, if the land is assigned to the petitioners earlier, as held by this Court in **LAO-cum-RDO, Chevella, Domalaguda, Hyderabad v. M.Pandu** even when assigned land is resumed, the assignee has to be paid compensation as per the market value.

Therefore, the writ petition is disposed of observing that the petitioners shall not be evicted nor dispossessed without due process of law. No costs.

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(V.V.S. RAO, J.)

23-07-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Srikakulam District, Srikakulam.

2. The Revenue Divisional Officer, Tekkali, Srikakulam Dist.

3. The Mandal Revenue Officer, Tekkali Mandal, Srikakulam Dist.

4.2CCs to Government Pleader for Revenue, High Court of A.P.,Hyd.

5.2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.21346 of 2003

Dt.23-07-2004

(Msr)